

SENATE BILL NO. 125—SENATOR FORD

PREFILED FEBRUARY 13, 2017

JOINT SPONSOR: ASSEMBLYMAN FRIERSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the restoration of certain civil rights for ex-felons. (BDR 14-20)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil rights; revising provisions governing the restoration of the right to vote to certain persons who have been convicted of felonies; revising provisions governing the sealing of the criminal records of a person; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, unless a person has been convicted of certain specified
2 felonies, a person who has been convicted of a felony is restored to his or her civil
3 rights upon: (1) an honorable discharge from probation; (2) the sealing of his or her
4 records by a court; (3) the granting of a pardon with the restoration of the right to
5 vote; (4) an honorable discharge from parole; or (5) the completion of his or her
6 sentence and release from prison. (NRS 176A.850, 179.285, 213.090, 213.155,
7 213.157) **Section 1** of this bill provides that unless a probationer was convicted of
8 certain specified felonies, the probationer’s right to vote must be restored to the
9 probationer upon completion of 1 year of his or her term of probation. Similarly,
10 **section 6** of this bill provides that unless a parolee was convicted of certain
11 specified felonies, the parolee’s right to vote must be restored to the parolee upon:
12 (1) completion of his or her term of parole, if his or her term of parole is less than 1
13 year; or (2) completion of 1 year of parole, if his or her term of parole is 1 year or
14 longer.

15 Existing law also authorizes a person to petition the court in certain circumstances
16 for the sealing of all records of criminal history relating to a conviction of a crime.
17 (NRS 179.245) **Section 4** of this bill shortens the waiting period for a person
18 convicted of certain crimes before being authorized to petition the court for sealing of
19 his or her records of criminal history relating to the conviction.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 176A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 4, a person who*
4 *has completed 1 year of his or her term of probation is*
5 *immediately restored to the civil right to vote and must be provided*
6 *an official document which states that the person has been*
7 *restored to the civil right to vote.*

8 2. *A person whose official documentation of the restoration*
9 *to the civil right to vote is lost, damaged or destroyed may file a*
10 *written request with a court of competent jurisdiction to restore the*
11 *person's civil right to vote pursuant to this section. Upon*
12 *verification that the person has completed 1 year of his or her term*
13 *of probation and is eligible to be restored to the civil right to vote,*
14 *the court shall issue an order restoring the person to the civil right*
15 *to vote. A person must not be required to pay a fee to receive such*
16 *an order.*

17 3. *A person whose civil right to vote has been restored*
18 *pursuant to subsection 1 may present, as proof that the person has*
19 *been restored to the civil right to vote:*

20 (a) *The official documentation received pursuant to subsection*
21 *1; or*

22 (b) *A court order restoring the person's civil right to vote.*

23 4. *Except as otherwise provided in this subsection, the civil*
24 *right to vote is not restored to a person upon completion of 1 year*
25 *of his or her term of probation if the person has previously been*
26 *convicted in this State:*

27 (a) *Of a category A felony.*

28 (b) *Of an offense that would constitute a category A felony if*
29 *committed as of the date of completion of 1 year of his or her term*
30 *of probation.*

31 (c) *Of a category B felony involving the use of force or*
32 *violence that resulted in substantial bodily harm to the victim.*

33 (d) *Of an offense involving the use of force or violence that*
34 *resulted in substantial bodily harm to the victim and that would*
35 *constitute a category B felony if committed as of the date of*
36 *completion of 1 year of his or her term of probation.*

37 (e) *Two or more times of a felony, unless a felony for which*
38 *the person has been convicted arose out of the same act,*
39 *transaction or occurrence as another felony, in which case the*
40 *convictions for those felonies shall be deemed to constitute a*
41 *single conviction for the purposes of this paragraph.*



1 **5. A person described in subsection 4 may petition a court of**
2 **competent jurisdiction for an order granting the restoration of the**
3 **civil right to vote.**

4 **Sec. 2.** NRS 176A.850 is hereby amended to read as follows:

5 176A.850 1. A person who:

6 (a) Has fulfilled the conditions of probation for the entire period
7 thereof;

8 (b) Is recommended for earlier discharge by the Division; or

9 (c) Has demonstrated fitness for honorable discharge but
10 because of economic hardship, verified by the Division, has been
11 unable to make restitution as ordered by the court,

12 ➔ may be granted an honorable discharge from probation by order
13 of the court.

14 2. Any amount of restitution remaining unpaid constitutes a
15 civil liability arising upon the date of discharge and is enforceable
16 pursuant to NRS 176.275.

17 3. Except as otherwise provided in subsection 4, a person who
18 has been honorably discharged from probation:

19 (a) Is free from the terms and conditions of probation.

20 (b) Is immediately restored to the ~~following~~ civil ~~rights:~~

21 ~~— (1) The right to vote; and~~

22 ~~— (2) The right to serve as a juror in a civil action.~~

23 (c) Four years after the date of honorable discharge from
24 probation, is restored to the right to hold office.

25 (d) Six years after the date of honorable discharge from
26 probation, is restored to the right to serve as a juror in a criminal
27 action.

28 (e) If the person meets the requirements of NRS 179.245, may
29 apply to the court for the sealing of records relating to the
30 conviction.

31 (f) Must be informed of the provisions of this section and NRS
32 179.245 in the person's probation papers.

33 (g) Is exempt from the requirements of chapter 179C of NRS,
34 but is not exempt from the requirements of chapter 179D of NRS.

35 (h) Shall disclose the conviction to a gaming establishment and
36 to the State and its agencies, departments, boards, commissions and
37 political subdivisions, if required in an application for employment,
38 license or other permit. As used in this paragraph, "establishment"
39 has the meaning ascribed to it in NRS 463.0148.

40 (i) Except as otherwise provided in paragraph (h), need not
41 disclose the conviction to an employer or prospective employer.

42 4. Except as otherwise provided in this subsection, the civil
43 rights set forth in subsection 3 are not restored to a person honorably
44 discharged from probation if the person has previously been
45 convicted in this State:



- 1 (a) Of a category A felony.
- 2 (b) Of an offense that would constitute a category A felony if
- 3 committed as of the date of the honorable discharge from probation.
- 4 (c) Of a category B felony involving the use of force or violence
- 5 that resulted in substantial bodily harm to the victim.
- 6 (d) Of an offense involving the use of force or violence that
- 7 resulted in substantial bodily harm to the victim and that would
- 8 constitute a category B felony if committed as of the date of
- 9 honorable discharge from probation.
- 10 (e) Two or more times of a felony, unless a felony for which the
- 11 person has been convicted arose out of the same act, transaction or
- 12 occurrence as another felony, in which case the convictions for
- 13 those felonies shall be deemed to constitute a single conviction for
- 14 the purposes of this paragraph.
- 15 ➔ A person described in this subsection may petition a court of
- 16 competent jurisdiction for an order granting the restoration of civil
- 17 rights as set forth in subsection 3.
- 18 5. The prior conviction of a person who has been honorably
- 19 discharged from probation may be used for purposes of
- 20 impeachment. In any subsequent prosecution of the person, the prior
- 21 conviction may be pleaded and proved if otherwise admissible.
- 22 6. Except for a person subject to the limitations set forth in
- 23 subsection 4, upon honorable discharge from probation, the person
- 24 so discharged must be given an official document which provides:
- 25 (a) That the person has received an honorable discharge from
- 26 probation;
- 27 (b) That the person has been restored to his or her civil ~~rights to~~
- 28 ~~vote and~~ **right** to serve as a juror in a civil action as of the date of
- 29 honorable discharge from probation;
- 30 (c) The date on which the person's civil right to hold office will
- 31 be restored pursuant to paragraph (c) of subsection 3; and
- 32 (d) The date on which the person's civil right to serve as a juror
- 33 in a criminal action will be restored pursuant to paragraph (d) of
- 34 subsection 3.
- 35 7. Subject to the limitations set forth in subsection 4, a person
- 36 who has been honorably discharged from probation in this State or
- 37 elsewhere and whose official documentation of honorable discharge
- 38 from probation is lost, damaged or destroyed may file a written
- 39 request with a court of competent jurisdiction to restore the person's
- 40 civil rights pursuant to this section. Upon verification that the person
- 41 has been honorably discharged from probation and is eligible to be
- 42 restored to the civil rights set forth in subsection 3, the court shall
- 43 issue an order restoring the person to the civil rights set forth in
- 44 subsection 3. A person must not be required to pay a fee to receive
- 45 such an order.



1 8. A person who has been honorably discharged from
2 probation in this State or elsewhere may present:

3 (a) Official documentation of honorable discharge from
4 probation, if it contains the provisions set forth in subsection 6; or

5 (b) A court order restoring the person's civil rights,
6 ↪ as proof that the person has been restored to the civil rights set
7 forth in subsection 3.

8 **Sec. 3.** NRS 176A.870 is hereby amended to read as follows:

9 176A.870 A defendant whose term of probation has expired
10 and:

11 1. Whose whereabouts are unknown;

12 2. Who has failed to make restitution in full as ordered by the
13 court, without a verified showing of economic hardship; or

14 3. Who has otherwise failed to qualify for an honorable
15 discharge as provided in NRS 176A.850,

16 ↪ is not eligible for an honorable discharge and must be given a
17 dishonorable discharge. A dishonorable discharge releases the
18 probationer from any further obligation, except a civil liability
19 arising on the date of discharge for any unpaid restitution which is
20 enforceable pursuant to NRS 176.275, but does not entitle the
21 probationer to any privilege conferred by NRS 176A.850 ~~†~~ **or**
22 *section 1 of this act.*

23 **Sec. 4.** NRS 179.245 is hereby amended to read as follows:

24 179.245 1. Except as otherwise provided in subsection 5 and
25 NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a
26 person may petition the court in which the person was convicted for
27 the sealing of all records relating to a conviction of:

28 ~~(a) **†** A category A or B felony after 15 years from the date of~~
29 ~~release from actual custody or discharge from parole or probation,~~
30 ~~whichever occurs later;~~

31 ~~—(b) A category C or D felony after 12 years from the date of~~
32 ~~release from actual custody or discharge from parole or probation,~~
33 ~~whichever occurs later;~~

34 ~~—(c) A category E felony after 7 years from the date of release~~
35 ~~from actual custody or discharge from parole or probation,~~
36 ~~whichever occurs later;~~

37 ~~—(d)†~~ Except as otherwise provided in paragraph ~~†(e);~~ **(b)**, any
38 **felony or** gross misdemeanor after ~~†5 years~~ **1 year** from the date of
39 release from actual custody or discharge from probation, whichever
40 occurs later;

41 ~~†(e)†~~ **(b)** A violation of NRS 422.540 to 422.570, inclusive,
42 ~~†other than a felony,†~~ a violation of NRS 484C.110 or 484C.120
43 ~~†other than a felony,†~~ or a battery which constitutes domestic
44 violence pursuant to NRS 33.018 ~~†other than a felony,†~~ after 7 years
45 from the date of release from actual custody or from the date when



1 the person is no longer under a suspended sentence, whichever
2 occurs later; or

3 ~~(f)~~ (c) Any other misdemeanor after ~~12 years~~ *1 year* from the
4 date of release from actual custody or from the date when the person
5 is no longer under a suspended sentence, whichever occurs later.

6 2. A petition filed pursuant to subsection 1 must:

7 (a) Be accompanied by the petitioner's current, verified records
8 received from:

9 (1) The Central Repository for Nevada Records of Criminal
10 History; and

11 (2) All agencies of criminal justice which maintain such
12 records within the city or county in which the conviction was
13 entered;

14 (b) If the petition references NRS 453.3365 or 458.330, include
15 a certificate of acknowledgment or the disposition of the
16 proceedings for the records to be sealed from all agencies of
17 criminal justice which maintain such records;

18 (c) Include a list of any other public or private agency, company,
19 official or other custodian of records that is reasonably known to the
20 petitioner to have possession of records of the conviction and to
21 whom the order to seal records, if issued, will be directed; and

22 (d) Include information that, to the best knowledge and belief of
23 the petitioner, accurately and completely identifies the records to be
24 sealed, including, without limitation, the:

25 (1) Date of birth of the petitioner;

26 (2) Specific conviction to which the records to be sealed
27 pertain; and

28 (3) Date of arrest relating to the specific conviction to which
29 the records to be sealed pertain.

30 3. Upon receiving a petition pursuant to this section, the court
31 shall notify the law enforcement agency that arrested the petitioner
32 for the crime and the prosecuting attorney, including, without
33 limitation, the Attorney General, who prosecuted the petitioner for
34 the crime. The prosecuting attorney and any person having relevant
35 evidence may testify and present evidence at the hearing on the
36 petition.

37 4. If, after the hearing, the court finds that, in the period
38 prescribed in subsection 1, the petitioner has not been charged with
39 any offense for which the charges are pending or convicted of any
40 offense, except for minor moving or standing traffic violations, the
41 court may order sealed all records of the conviction which are in the
42 custody of any agency of criminal justice or any public or private
43 agency, company, official or other custodian of records in the State
44 of Nevada, and may also order all such records of the petitioner
45 returned to the file of the court where the proceeding was



1 commenced from, including, without limitation, the Federal Bureau
2 of Investigation ~~[, the California Bureau of Criminal Identification
3 and Information]~~ and all other agencies of criminal justice which
4 maintain such records and which are reasonably known by either the
5 petitioner or the court to have possession of such records.

6 5. A person may not petition the court to seal records relating
7 to a conviction of:

8 (a) A crime against a child;

9 (b) A sexual offense;

10 (c) A violation of NRS 484C.110 or 484C.120 that is punishable
11 as a felony pursuant to paragraph (c) of subsection 1 of
12 NRS 484C.400;

13 (d) A violation of NRS 484C.430;

14 (e) A homicide resulting from driving or being in actual physical
15 control of a vehicle while under the influence of intoxicating liquor
16 or a controlled substance or resulting from any other conduct
17 prohibited by NRS 484C.110, 484C.130 or 484C.430;

18 (f) A violation of NRS 488.410 that is punishable as a felony
19 pursuant to NRS 488.427; or

20 (g) A violation of NRS 488.420 or 488.425.

21 6. If the court grants a petition for the sealing of records
22 pursuant to this section, upon the request of the person whose
23 records are sealed, the court may order sealed all records of the civil
24 proceeding in which the records were sealed.

25 7. As used in this section:

26 (a) "Crime against a child" has the meaning ascribed to it in
27 NRS 179D.0357.

28 (b) "Sexual offense" means:

29 (1) Murder of the first degree committed in the perpetration
30 or attempted perpetration of sexual assault or of sexual abuse or
31 sexual molestation of a child less than 14 years of age pursuant to
32 paragraph (b) of subsection 1 of NRS 200.030.

33 (2) Sexual assault pursuant to NRS 200.366.

34 (3) Statutory sexual seduction pursuant to NRS 200.368, if
35 punishable as a felony.

36 (4) Battery with intent to commit sexual assault pursuant to
37 NRS 200.400.

38 (5) An offense involving the administration of a drug to
39 another person with the intent to enable or assist the commission of
40 a felony pursuant to NRS 200.405, if the felony is an offense listed
41 in this paragraph.

42 (6) An offense involving the administration of a controlled
43 substance to another person with the intent to enable or assist the
44 commission of a crime of violence pursuant to NRS 200.408, if the
45 crime of violence is an offense listed in this paragraph.



1 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
2 involved sexual abuse or sexual exploitation.

3 (8) An offense involving pornography and a minor pursuant
4 to NRS 200.710 to 200.730, inclusive.

5 (9) Incest pursuant to NRS 201.180.

6 (10) Open or gross lewdness pursuant to NRS 201.210, if
7 punishable as a felony.

8 (11) Indecent or obscene exposure pursuant to NRS 201.220,
9 if punishable as a felony.

10 (12) Lewdness with a child pursuant to NRS 201.230.

11 (13) Sexual penetration of a dead human body pursuant to
12 NRS 201.450.

13 (14) Sexual conduct between certain employees of a school
14 or volunteers at a school and a pupil pursuant to NRS 201.540.

15 (15) Sexual conduct between certain employees of a college
16 or university and a student pursuant to NRS 201.550.

17 (16) Luring a child or a person with mental illness pursuant
18 to NRS 201.560, if punishable as a felony.

19 (17) An attempt to commit an offense listed in this
20 paragraph.

21 **Sec. 5.** NRS 209.511 is hereby amended to read as follows:

22 209.511 1. When an offender is released from prison by
23 expiration of his or her term of sentence, by pardon or by parole, the
24 Director:

25 (a) May furnish the offender with a sum of money not to exceed
26 \$100, the amount to be based upon the offender's economic need as
27 determined by the Director;

28 (b) Shall give the offender notice of the provisions of chapter
29 179C of NRS and NRS 202.357 and 202.360;

30 (c) Shall require the offender to sign an acknowledgment of the
31 notice required in paragraph (b);

32 (d) Shall give the offender notice of the provisions of NRS
33 179.245 and the provisions of NRS 213.090, 213.155 , ~~for~~ 213.157
34 ~~to~~ **or section 6 of this act**, as applicable;

35 (e) Shall provide the offender with information relating to
36 obtaining employment, including, without limitation, any programs
37 which may provide bonding for an offender entering the workplace
38 and any organizations which may provide employment or bonding
39 assistance to such a person;

40 (f) Shall provide the offender with a photo identification card
41 issued by the Department and information and reasonable assistance
42 relating to acquiring a valid driver's license or identification card to
43 enable the offender to obtain employment, if the offender:

44 (1) Requests a photo identification card; or



1 (2) Requests such information and assistance and is eligible
2 to acquire a valid driver's license or identification card from the
3 Department of Motor Vehicles;

4 (g) May provide the offender with clothing suitable for
5 reentering society;

6 (h) May provide the offender with the cost of transportation to
7 his or her place of residence anywhere within the continental United
8 States, or to the place of his or her conviction;

9 (i) May, but is not required to, release the offender to a facility
10 for transitional living for released offenders that is licensed pursuant
11 to chapter 449 of NRS; and

12 (j) Shall require the offender to submit to at least one test for
13 exposure to the human immunodeficiency virus.

14 2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of
15 subsection 1 must be paid out of the appropriate account within the
16 State General Fund for the use of the Department as other claims
17 against the State are paid to the extent that the costs have not been
18 paid in accordance with subsection 5 of NRS 209.221 and
19 NRS 209.246.

20 3. As used in this section:

21 (a) "Facility for transitional living for released offenders" has
22 the meaning ascribed to it in NRS 449.0055.

23 (b) "Photo identification card" means a document which
24 includes the name, date of birth and a color picture of the offender.

25 **Sec. 6.** Chapter 213 of NRS is hereby amended by adding
26 thereto a new section to read as follows:

27 ***1. Except as otherwise provided in subsection 4, a person who***
28 ***completes:***

29 ***(a) A term of parole of less than 1 year; or***

30 ***(b) One year of his or her term of parole,***

31 ***↪ is immediately restored to the civil right to vote and must be***
32 ***provided an official document which states that the person has***
33 ***been restored to the civil right to vote.***

34 ***2. A person whose official documentation of the restoration***
35 ***to the civil right to vote is lost, damaged or destroyed may file a***
36 ***written request with a court of competent jurisdiction to restore the***
37 ***civil right to vote pursuant to this section. Upon verification that***
38 ***the person has completed a term of parole of less than 1 year or***
39 ***completed 1 year of his or her term of parole and is eligible to be***
40 ***restored to the civil right to vote, the court shall issue an order***
41 ***restoring the person to the civil right to vote. A person must not be***
42 ***required to pay a fee to receive such an order.***

43 ***3. A person whose civil right to vote has been restored***
44 ***pursuant to subsection 1 may present, as proof that the person has***
45 ***been restored to the civil right to vote:***



1 (a) *The official documentation received pursuant to subsection*
2 *1; or*

3 (b) *A court order restoring the person's civil right to vote.*

4 4. *Except as otherwise provided in this subsection, the civil*
5 *right to vote is not restored to a person upon completion of a term*
6 *of parole of less than 1 year or completion of 1 year of his or her*
7 *term of parole if the person has previously been convicted in this*
8 *State:*

9 (a) *Of a category A felony.*

10 (b) *Of an offense that would constitute a category A felony if*
11 *committed as of the date of completion of a term of parole of less*
12 *than 1 year or completion of 1 year of his or her term of parole.*

13 (c) *Of a category B felony involving the use of force or*
14 *violence that resulted in substantial bodily harm to the victim.*

15 (d) *Of an offense involving the use of force or violence that*
16 *resulted in substantial bodily harm to the victim and that would*
17 *constitute a category B felony if committed as of the date of*
18 *completion of a term of parole of less than 1 year or completion of*
19 *1 year of his or her term of parole.*

20 (e) *Two or more times of a felony, unless a felony for which*
21 *the person has been convicted arose out of the same act,*
22 *transaction or occurrence as another felony, in which case the*
23 *convictions for those felonies shall be deemed to constitute a*
24 *single conviction for the purposes of this paragraph.*

25 5. *A person described in subsection 4 may petition a court of*
26 *competent jurisdiction for an order granting the restoration of the*
27 *civil right to vote.*

28 6. *The Board may adopt regulations necessary or convenient*
29 *for the purposes of this section.*

30 **Sec. 7.** NRS 213.107 is hereby amended to read as follows:

31 213.107 As used in NRS 213.107 to 213.157, inclusive, *and*
32 *section 6 of this act*, unless the context otherwise requires:

33 1. "Board" means the State Board of Parole Commissioners.

34 2. "Chief" means the Chief Parole and Probation Officer.

35 3. "Division" means the Division of Parole and Probation of
36 the Department of Public Safety.

37 4. "Residential confinement" means the confinement of a
38 person convicted of a crime to his or her place of residence under
39 the terms and conditions established by the Board.

40 5. "Sex offender" means any person who has been or is
41 convicted of a sexual offense.

42 6. "Sexual offense" means:

43 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
44 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
45 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or



1 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
2 NRS 201.560;

3 (b) An attempt to commit any offense listed in paragraph (a); or

4 (c) An act of murder in the first or second degree, kidnapping in
5 the first or second degree, false imprisonment, burglary or invasion
6 of the home if the act is determined to be sexually motivated at a
7 hearing conducted pursuant to NRS 175.547.

8 7. "Standards" means the objective standards for granting or
9 revoking parole or probation which are adopted by the Board or the
10 Chief.

11 **Sec. 8.** NRS 213.155 is hereby amended to read as follows:

12 213.155 1. Except as otherwise provided in subsection 2, a
13 person who receives an honorable discharge from parole pursuant to
14 NRS 213.154:

15 (a) Is immediately restored to the ~~following~~ civil ~~rights:~~

16 ~~— (1) The right to vote; and~~

17 ~~— (2) The~~ right to serve as a juror in a civil action.

18 (b) Four years after the date of his or her honorable discharge
19 from parole, is restored to the right to hold office.

20 (c) Six years after the date of his or her honorable discharge
21 from parole, is restored to the right to serve as a juror in a criminal
22 action.

23 2. Except as otherwise provided in this subsection, the civil
24 rights set forth in subsection 1 are not restored to a person who has
25 received an honorable discharge from parole if the person has
26 previously been convicted in this State:

27 (a) Of a category A felony.

28 (b) Of an offense that would constitute a category A felony if
29 committed as of the date of his or her honorable discharge from
30 parole.

31 (c) Of a category B felony involving the use of force or violence
32 that resulted in substantial bodily harm to the victim.

33 (d) Of an offense involving the use of force or violence that
34 resulted in substantial bodily harm to the victim and that would
35 constitute a category B felony if committed as of the date of his or
36 her honorable discharge from parole.

37 (e) Two or more times of a felony, unless a felony for which the
38 person has been convicted arose out of the same act, transaction or
39 occurrence as another felony, in which case the convictions for
40 those felonies shall be deemed to constitute a single conviction for
41 the purposes of this paragraph.

42 ➤ A person described in this subsection may petition a court of
43 competent jurisdiction for an order granting the restoration of his or
44 her civil rights as set forth in subsection 1.



1 3. Except for a person subject to the limitations set forth in
2 subsection 2, upon his or her honorable discharge from parole, a
3 person so discharged must be given an official document which
4 provides:

5 (a) That the person has received an honorable discharge from
6 parole;

7 (b) That the person has been restored to his or her civil ~~rights to~~
8 ~~vote and~~ **right** to serve as a juror in a civil action as of the date of
9 his or her honorable discharge from parole;

10 (c) The date on which his or her civil right to hold office will be
11 restored to the person pursuant to paragraph (b) of subsection 1; and

12 (d) The date on which his or her civil right to serve as a juror in
13 a criminal action will be restored to the person pursuant to
14 paragraph (c) of subsection 1.

15 4. Subject to the limitations set forth in subsection 2, a person
16 who has been honorably discharged from parole in this State or
17 elsewhere and whose official documentation of his or her honorable
18 discharge from parole is lost, damaged or destroyed may file a
19 written request with a court of competent jurisdiction to restore his
20 or her civil rights pursuant to this section. Upon verification that the
21 person has been honorably discharged from parole and is eligible to
22 be restored to the civil rights set forth in subsection 1, the court shall
23 issue an order restoring the person to the civil rights set forth in
24 subsection 1. A person must not be required to pay a fee to receive
25 such an order.

26 5. A person who has been honorably discharged from parole in
27 this State or elsewhere may present:

28 (a) Official documentation of his or her honorable discharge
29 from parole, if it contains the provisions set forth in subsection 3; or

30 (b) A court order restoring his or her civil rights,
31 ↪ as proof that the person has been restored to the civil rights set
32 forth in subsection 1.

33 6. The Board may adopt regulations necessary or convenient
34 for the purposes of this section.

35 **Sec. 9.** NRS 293.540 is hereby amended to read as follows:
36 293.540 The county clerk shall cancel the registration:

37 1. If the county clerk has personal knowledge of the death of
38 the person registered, or if an authenticated certificate of the death
39 of any elector is filed in the county clerk's office.

40 2. If the county clerk is provided a certified copy of a court
41 order stating that the court specifically finds by clear and convincing
42 evidence that the person registered lacks the mental capacity to vote
43 because he or she cannot communicate, with or without
44 accommodations, a specific desire to participate in the voting
45 process.



1 3. Upon the determination that the person registered has been
2 convicted of a felony unless:

3 (a) If the person registered was convicted of a felony in this
4 State, the right to vote of the person has been restored pursuant to
5 the provisions of NRS 213.090 ~~+, 213.155+~~ or 213.157 ~~+~~ *or section*
6 *6 of this act.*

7 (b) If the person registered was convicted of a felony in another
8 state, the right to vote of the person has been restored pursuant to
9 the laws of the state in which the person was convicted.

10 4. Upon the production of a certified copy of the judgment of
11 any court directing the cancellation to be made.

12 5. Upon the request of any registered voter to affiliate with any
13 political party or to change affiliation, if that change is made before
14 the end of the last day to register to vote in the election.

15 6. At the request of the person registered.

16 7. If the county clerk has discovered an incorrect registration
17 pursuant to the provisions of NRS 293.5235, 293.530 or 293.535
18 and the elector has failed to respond or appear to vote within the
19 required time.

20 8. As required by NRS 293.541.

21 9. Upon verification that the application to register to vote is a
22 duplicate if the county clerk has the original or another duplicate of
23 the application on file in the county clerk's office.

24 **Sec. 10.** NRS 293.543 is hereby amended to read as follows:

25 293.543 1. If the registration of an elector is cancelled
26 pursuant to subsection 2 of NRS 293.540, the county clerk shall
27 reregister the elector upon notice from the clerk of the district court
28 that the elector has been found by the district court to have the
29 mental capacity to vote. The court must include the finding in a
30 court order and, not later than 30 days after issuing the order,
31 provide a certified copy of the order to the county clerk of the
32 county in which the person is a resident and to the Office of the
33 Secretary of State.

34 2. If the registration of an elector is cancelled pursuant to
35 subsection 3 of NRS 293.540, the elector may reregister after
36 presenting satisfactory evidence which demonstrates that the
37 elector's:

38 (a) Conviction has been overturned; or

39 (b) Civil rights have been restored:

40 (1) If the elector was convicted in this State, pursuant to the
41 provisions of NRS 213.090, ~~+, 213.155 or+~~ 213.157 ~~+~~ *or section 6 of*
42 *this act.*

43 (2) If the elector was convicted in another state, pursuant to
44 the laws of the state in which he or she was convicted.



1 3. If the registration of an elector is cancelled pursuant to the
2 provisions of subsection 5 of NRS 293.540, the elector may
3 reregister immediately.

4 4. If the registration of an elector is cancelled pursuant to the
5 provisions of subsection 6 of NRS 293.540, after the close of
6 registration for a primary election, the elector may not reregister
7 until after the primary election.

⑩



* S B 1 2 5 *

